

APPENDIX A

**U.S. Application No. 10/587,067
Attorney Docket No. 1-2004.001 US**

LAWSONIA INTRACELLULARIS SUBUNIT VACCINES



AIPA Term Calculation Report

APPLICATION INFORMATION			
Docket Number:	1-2004.001 US	User Name:	Blackstone, William
Application Number:	10/587,067	Firm/Company Name:	Schering-Plough
Filing Date:	01/18/2005	User Comments:	
Title/Inventor(s):	LAWSONIA INTRACELLULARIS SUBUNIT VACCINES; Paul Vermeij, St Anthony, (NL)	Calculation Generated:	09/16/2011 09:24:34 AM ET

AIPA TERM CALCULATION SUMMARY	
Calculation Mode:	Preliminary (1)
Earliest Referenced Application under 35 USC § 120, 121, or 365(c):	01 / 18 / 2005
International Filing Date:	01 / 18 / 2005
Net Adjustment Credits:	799 Days
Net Adjustment Debits:	0 Days
Patent Term Adjustment:	799 Days
AIPA Patent Term End Date:	03 / 28 / 2027 (2)

(1) Based on your current data for this application, a complete calculation could not be performed. Some rule(s) in your application could not be analyzed because they are associated with improper events or missing related events, or an exception was made not to analyze the rule. For a list of event and rule issues, see the Term Analysis tab.
(2) Assumes payment of all maintenance fees, no intervening acts, and no 35 USC 156 regulatory extensions. Terminal disclaimer(s) filed in this case, if any, may result in an earlier term end date. Without adjustment, the term would end on 01/18/2025.

COMPARISON OF USPTO PATENT DATA TO PTA ADJUSTMENTS (PTA) (Based on PTA Data from USPTO)			
	USPTO PTA	PTA	
Credit Days (USPTO Delay):	795	799	%
Debit Days (Applicant Delay):	0	0	Match
Total Patent Term Adjustment Days:	795	799	%

(1) Comparison is shown for Non-Overlapping USPTO Patents, Applicant Delays, and Total PTA Adjustments (PTA) tab on 09/16/2011. See the full PTA PTA tab, file wrapper (e.g., Notice of Allowance, PTA petition), and issued patent for complete information on USPTO-calculated PTA.

RULE CALCULATION SUMMARY (1) (4)			
Event	Rule/Exception	Related Event	Related Event
A 07/20/2006 National Stage Commenced under 35 USC 371(b) or (f)	3-Year PTO Issue of Patent PTO must issue a patent within 2 years (not including exclusions) after the date on which the application was filed under 35 USC 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application. Period of adjustment (credits) begins on the day after the date that is 3 years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 USC 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the listed exclusionary periods. 35 USC 154(b)(1)(B); 37 CFR 1.702(b), 1.703(b). You have elected to analyze this rule in accordance with Wyeth v. Kappos, 591 F.3d 1364 (Fed. Cir. 2010).	Issue Date: 09/27/2011 Issue Date	799
B 09/12/2008 Notice of DO/EO Missing Requirements	3-Month Applicant Response to Notice or Action Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action of notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(i); 37 CFR 1.704(g). Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).	Applicant Response: None Assigned	Not Analyzed (1)

<p>C</p> <p>11/05/2008 Application Fulfilled Requirements of 35 USC 371</p>	<p>14-Month PTO First Action</p> <p>PTO must mail a notification under 35 USC 132 or a notice of allowance under 35 USC 151 not later than 14 months after the date on which the application was filed under 35 USC 111(e) or fulfilled the requirements of 35 USC 371 in an international application. Period of adjustment (credits) begins on the day after the date that is 14 months after the date on which the application was filed under 35 USC 111(a) or fulfilled the requirements of 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(i); 37 CFR 1.702(a)(1), 1.703(a)(1).</p>	<p>First PTO Action: 10/13/2010 Non-final Action</p>	<p>281</p>
<p>D</p> <p>10/13/2010 Non-final Action</p>	<p>3-Month Applicant Response to Notice or Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 134 (b)(2)(X)(v); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 134(b)(3)(C); 37 CFR 1.705(f).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p> <p>You have elected to analyze this rule in accordance with <i>ArQuile v. Kappas</i>, F Supp.2d ___, (D.D.C. 2011). Since the 3-Month period did not end on a Saturday, Sunday, or known Federal holiday within the District of Columbia, however, the 3-month deadline is not affected. See 35 USC 21(b).</p>	<p>Applicant Response: 01/12/2011 Reply after Non-final Action under 37 CFR 1.111</p>	<p>0</p>
<p>E</p> <p>01/12/2011 Reply after Non-final Action under 37 CFR (111)</p>	<p>4-Month PTO Response to Applicant Reply</p> <p>PTO must respond to a reply under 35 USC 131 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2), (3).</p>	<p>PTO Response: 03/23/2011 Final Rejection</p>	<p>0</p>

<p>03/23/2011 Final Rejection</p>	<p>2-Month Applicant Response to Notice of Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p> <p>You have elected to analyze this rule in accordance with <i>ArQuile v. Kappos</i>, ___ F. Supp.2d ___, (D.D.C. 2011). Since the 3-Month period did not end on a Saturday, Sunday, or known Federal holiday within the District of Columbia, however, the 3-month deadline is not affected. See 35 USC 21(b).</p>	<p>Applicant Response: 05/19/2011 Amendment after Final</p>	<p>8</p>	
<p>05/19/2011 Amendment after Final</p>	<p>4-Month PTO Response to Applicant Reply</p> <p>PTO must respond to a reply under 35 USC 132 not later than 4 months after the date on which the reply was filed. The period of adjustment (credits) begins on the day after the date that is 4 months after the date a reply under 37 CFR 1.111 or in compliance with 37 CFR 1.113(c) was filed and ending on the mailing date of either an action under 35 USC 132, or a notice of allowance under 35 USC 151, whichever occurs first. 35 USC 154(b)(1)(A)(ii); 37 CFR 1.702(a)(2), 1.703(a)(2), (3).</p>	<p>PTO Response: 06/06/2011 Notice of Allowance under 35 USC 151</p>	<p>0</p>	
<p>06/06/2011 Notice of Allowance under 35 USC 151</p>	<p>3-Month Applicant Response to Notice of Action</p> <p>Period of adjustment (credits) shall be reduced for the period in excess of 3 months taken to reply to any PTO notice or action making any rejection, objection, argument, or other request, beginning on the day after the date that is 3 months after the date of mailing or transmission of the Office communication and ending on the date the reply was filed. The period, or shortened statutory period, for reply set in the action or notice has no effect on this deadline. 35 USC 154 (b)(2)(C)(ii); 37 CFR 1.704(b).</p> <p>Where applicant shows, in spite of all due care, applicant was unable to respond within the 3-month period, all or part of adjustment may be reinstated for up to 3 additional months. 35 USC 154(b)(3)(C); 37 CFR 1.705(c).</p> <p>You have indicated that no 1.705(c) Showing of Due Care was made.</p> <p>You have elected to analyze this rule in accordance with <i>ArQuile v. Kappos</i>, ___ F. Supp.2d ___, (D.D.C. 2011). Since the 3-Month period did not end on a Saturday, Sunday, or known Federal holiday within the District of Columbia, however, the 3-month deadline is not affected. See 35 USC 21(b).</p>	<p>Applicant Response: 08/18/2011 Issue Fee Payment under 35 USC 151</p>	<p>0</p>	

08/18/2011 Issue Fee Payment under 35 USC 151	4-Month PTO Issue of Patent PTO must issue a patent not later than 4 months after the date on which the issue fee was paid under 35 USC 151 and all outstanding requirements were satisfied. The period of adjustment (credit) begins on the day after the date that is 4 months after the date the issue fee was paid and all outstanding requirements were satisfied and ends on the day the patent issues. 35 USC 154(b)(1)(A)(iv); 37 CFR 1.702(a)(4); 1.703(a)(6).	Issue Date 09/27/2011 Issue Date		0
Total Exclusion, Debit, and Credit Days:			0	1080
Overlap Days (8) :			0	281
Net Exclusion, Debit, and Credit Days:			0	799
Patent Term Adjustment Days (9) :				799
<p>(6) Calculations of Debit, Credit, and Exclusion Days are determined by the rule assignments, assignments of related events, and analysis options in the Apply Term Rules tab. The patent professional using this system is responsible for reviewing and updating the Apply Term Rules tab to ensure all data is complete, correct, and consistent with their judgment and interpretation of applicable legal authority.</p> <p>(5) Exclusion Days are periods which are not included in determining the end of the 3-year period after the date on which the application was filed under 35 USC 116(a), or the national stage commenced under 35 USC 301(b) or (2) in an international application, used to determine crediting under the 3-Year PTD Issue of Patent rule. See 35 USC 154(b)(1)(B)(i)-(iii); 37 CFR 1.702(b)(1)-(4).</p> <p>(6) Debit Days are days where grounds for reduction of period of adjustment of patent term exist. See, e.g., 37 CFR 1.704. Debit Days are sometimes referred to as Application Delay.</p> <p>(7) Credit Days are days where grounds for adjustment of patent term exist. See, e.g., 37 CFR 1.702, 1.703. Credit Days are sometimes referred to as USPTO Delay.</p> <p>(8) To the extent credit periods overlap other credit periods, debit periods overlap other debit periods, or exclusion periods overlap other exclusion periods, overlaps are subtracted so that each exclusive day generates at most one credit day, one debit day, and one exclusion day.</p> <p>(9) Patent Term Adjustment Days equals Net Credit Days minus Net Debit Days, but is not less than zero.</p>				

APPENDIX B

**U.S. Application No. 10/587,067
Attorney Docket No. I-2004.001 US**

LAWSONIA INTRACELLULARIS SUBUNIT VACCINES

10/587,067 LAWSONIA INTRACELLULARIS SUBUNIT VACCINES I-2004.001 US 09-16-2011::09:55:24

This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click PDF.

Bibliographic Data

Mail Room Date	Document Code	Document Description	Document Category	Page Count
09-08-2011	OA.EMAIL	Email Notification	PROSECUTION	1
09-07-2011	ISSUE.NTF	Issue Notification	PROSECUTION	1
08-18-2011	IFEE	Issue Fee Payment (PTO-85B)	PROSECUTION	1
08-18-2011	WFEE	Fee Worksheet (SB06)	PROSECUTION	2
08-18-2011	N417	EFS Acknowledgment Receipt	PROSECUTION	2
06-06-2011	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	5
06-06-2011	FWCLM	Index of Claims	PROSECUTION	1
06-06-2011	IIFW	Issue Information including classification, examiner, name, claim, renumbering, etc.	PROSECUTION	1
06-06-2011	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
06-06-2011	NOA	Notice of Allowance and Fees Due (PTOL-85)	PROSECUTION	2
06-06-2011	ANE.I	Amendment After Final or under 37CFR 1.312, Initialed by the examiner.	PROSECUTION	1
06-06-2011	BIB	Bibliographic Data Sheet	PROSECUTION	1
06-06-2011	OA.EMAIL	Email Notification	PROSECUTION	1
05-19-2011	A.NE	Amendment After Final	PROSECUTION	1
05-19-2011	CLM	Claims	PROSECUTION	2
05-19-2011	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	1
05-19-2011	N417	EFS Acknowledgment Receipt	PROSECUTION	2
05-19-2011	WFEE	Fee Worksheet (SB06)	PROSECUTION	1
03-23-2011	CTFR	Final Rejection	PROSECUTION	6
03-23-2011	FWCLM	Index of Claims	PROSECUTION	1
03-23-2011	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
03-23-2011	BIB	Bibliographic Data Sheet	PROSECUTION	1
03-23-2011	OA.EMAIL	Email Notification	PROSECUTION	1
01-12-2011	A...	Amendment/Req. Reconsideration-After Non-Final Reject	PROSECUTION	1
01-12-2011	SPEC	Specification	PROSECUTION	1
01-12-2011	CLM	Claims	PROSECUTION	3
01-12-2011	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	4
01-12-2011	SPEC	Specification	PROSECUTION	43
01-12-2011	SEQLIST	Sequence Listing	PROSECUTION	40
01-12-2011	DRW.NONBW	Drawings-other than black and white line drawings	PROSECUTION	9
01-12-2011	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	41
01-12-2011	SEQLIST	Sequence Listing	PROSECUTION	41
01-12-2011	DRW	Drawings-only black and white line	PROSECUTION	9

		drawings		
01-12-2011	AF/D	Rule 130, 131 or 132 Affidavits	PROSECUTION	6
01-12-2011	NPL	Non Patent Literature	PRIOR ART	18
01-12-2011	NPL	Non Patent Literature	PRIOR ART	26
01-12-2011	N417	EFS Acknowledgment Receipt	PROSECUTION	3
01-12-2011	WFEE	Fee Worksheet (SB06)	PROSECUTION	1
10-21-2010	OA.POSTCARD	A courtesy postcard sent by USPTO to users who opt-in for e-Office Action	PROSECUTION	1
10-13-2010	CTNF	Non-Final Rejection	PROSECUTION	11
10-13-2010	SRFW	Search information including classification, databases and other search related notes	PROSECUTION	1
10-13-2010	SRNT	Examiner's search strategy and results	PROSECUTION	2
10-13-2010	SRNT	Examiner's search strategy and results	PROSECUTION	36
10-13-2010	1449	List of References cited by applicant and considered by examiner	PRIOR ART	1
10-13-2010	BIB	Bibliographic Data Sheet	PROSECUTION	1
10-13-2010	FWCLM	Index of Claims	PROSECUTION	1
10-13-2010	OA.EMAIL	Email Notification	PROSECUTION	1
02-26-2009	NTC.PUB	Notice of Publication	PROSECUTION	1
11-14-2008	APP FILE.REC	Filing Receipt	PROSECUTION	3
11-14-2008	M903	Notice of DO/EO Acceptance Mailed	PROSECUTION	2
11-13-2008	IMIS	Miscellaneous Internal Document	PROSECUTION	1
11-05-2008	PEFR	Applicant Response to Pre-Exam Formalities Notice	PROSECUTION	2
11-05-2008	OATH	Oath or Declaration filed	PROSECUTION	4
11-05-2008	WFEE	Fee Worksheet (SB06)	PROSECUTION	2
11-05-2008	N417	EFS Acknowledgment Receipt	PROSECUTION	2
09-12-2008	M905	Notice of DO/EO Missing Requirements Mailed	PROSECUTION	2
08-12-2008	IMIS	Miscellaneous Internal Document	PROSECUTION	1
09-12-2008	WCLM	Claims Worksheet (PTO-2022)	PROSECUTION	1
09-12-2008	WFEE	Fee Worksheet (SB06)	PROSECUTION	1
08-27-2008	CRFE	CRF entered - partial listing printed by STIC	PROSECUTION	10
06-25-2008	SEQ.TXT	Sequence Listing (Text File)	PROSECUTION	1
06-10-2008	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	31
06-10-2008	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	34
06-10-2008	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	33
06-10-2008	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	33
06-10-2008	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	33
06-10-2008	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	33
06-10-2008	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	33
06-10-2008	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	33
06-10-2008	FRPR	Certified Copy of Foreign Priority Application	PROSECUTION	37
06-10-2008	ABST	Abstract	PROSECUTION	1

Documents submitted with 371

06-10-2008	371P	Applications	PROSECUTION	4
06-10-2008	ABST	Abstract	PROSECUTION	1
06-10-2008	SPEC	Specification	PROSECUTION	44
06-10-2008	CLM	Claims	PROSECUTION	5
06-10-2008	DRW	Drawings-only black and white line drawings	PROSECUTION	9
06-10-2008	SEQLIST	Sequence Listing	PROSECUTION	40
06-10-2008	371P	Documents submitted with 371 Applications	PROSECUTION	1
06-10-2008	371P	Documents submitted with 371 Applications	PROSECUTION	2
06-10-2008	371P	Documents submitted with 371 Applications	PROSECUTION	27
07-20-2006	TRNA	Transmittal of New Application	PROSECUTION	3
07-20-2006	SPEC	Specification	PROSECUTION	44
07-20-2006	CLM	Claims	PROSECUTION	5
07-20-2006	DRW	Drawings-only black and white line drawings	PROSECUTION	9
07-20-2006	SEQLIST	Sequence Listing	PROSECUTION	40
07-20-2006	WFEE	Fee Worksheet (SB06)	PROSECUTION	1
07-20-2006	A.PE	Preliminary Amendment	PROSECUTION	1
07-20-2006	SPEC	Specification	PROSECUTION	1
07-20-2006	ABST	Abstract	PROSECUTION	1
07-20-2006	CLM	Claims	PROSECUTION	4
07-20-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
07-20-2006	ABST	Abstract	PROSECUTION	1
07-20-2006	IDS	Information Disclosure Statement (IDS) Form (SB08)	PROSECUTION	3
07-20-2006	FOR	Foreign Reference	PRIOR ART	48
07-20-2006	FOR	Foreign Reference	PRIOR ART	32
07-20-2006	FOR	Foreign Reference	PRIOR ART	85
07-20-2006	FOR	Foreign Reference	PRIOR ART	85
07-20-2006	A.PE	Preliminary Amendment	PROSECUTION	1
07-20-2006	SPEC	Specification	PROSECUTION	1
07-20-2006	REM	Applicant Arguments/Remarks Made in an Amendment	PROSECUTION	2
07-20-2006	SEQLIST	Sequence Listing	PROSECUTION	42
07-20-2006	ADS	Application Data Sheet	PROSECUTION	3
07-20-2006	371P	Documents submitted with 371 Applications	PROSECUTION	6
07-20-2006	WFEE	Fee Worksheet (SB06)	PROSECUTION	1

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APPENDIX C

**U.S. Application No. 10/587,067
Attorney Docket No. I-2004.001 US**

LAWSONIA INTRACELLULARIS SUBUNIT VACCINES

10/587,067 LAWSONIA INTRACELLULARIS SUBUNIT VACCINES I-2004.001 US 09-16-2011:09:57:33

Patent Term Adjustments

Patent Term Adjustment (PTA) for Application Number: 10/587,067

Filing or 371(c) Date:	11-05-2008	Overlapping Days Between {A and B} or {A and C}:	281
Issue Date of Patent:	-	Non-Overlapping USPTO Delays:	795
A Delays:	281	PTD Manual Adjustments:	0
B Delays:	795	Applicant Delays:	0
C Delays:	0	Total PTA Adjustments:	795

Patent Term Adjustment History Explanation Of Calculations

Number	Date	Contents Description	PTD (Days)	APPL (Days)	Start
73.5	09-27-2011	PTA 36 Months	795		73.4
73.4	07-24-2006	Commencement Date			0
73	09-27-2011	Patent Issue Date Used in PTA Calculation			0
72	08-22-2011	Export to Final Data Capture			0
71	08-19-2011	Dispatch to FDC			0
70	08-19-2011	Application Is Considered Ready for Issue			0
69	08-18-2011	Issue Fee Payment Verified			0
68	08-18-2011	Issue Fee Payment Received			0
67	08-03-2011	Finished Initial Data Capture			0
66	06-17-2011	Sequence Forwarded to Pubs on Tape			0
64	06-07-2011	Electronic Review			0
62	06-06-2011	Mail Notice of Allowance			0
61	06-01-2011	Office Action Review			0
60	06-01-2011	Issue Revision Completed			0
59	06-01-2011	Document Verification			0
58	06-01-2011	Notice of Allowance Data Verification Completed			0
57	06-01-2011	Case Docketed to Examiner in GAU			0
56	05-31-2011	Allowability Notice			0

51	05-24-2011	Date Forwarded to Examiner		0
50	05-19-2011	Amendment after Final Rejection		0
49	03-23-2011	Electronic Review		0
48	03-23-2011	Email Notification		0
47	03-23-2011	Mail Final Rejection (PTOL - 326)		0
46	03-18-2011	Final Rejection		0
43	01-12-2011	Affidavit(s) (Rule 131 or 132) or Exhibit(s) Received		0
42	01-12-2011	Substitute Specification Filed		0
41	01-19-2011	Date Forwarded to Examiner		0
40	01-12-2011	Response after Non-Final Action		0
39	10-21-2010	Mail Post Card		0
38	10-13-2010	Email Notification		0
37	10-13-2010	Mail Non-Final Rejection	281	11
36	09-20-2010	Non-Final Rejection		0
22	02-26-2009	PG-Pub Issue Notification		0
21	02-17-2009	Case Docketed to Examiner in GAU		0
20	01-15-2009	Transfer Inquiry to GAU		0
19	01-07-2009	IFW TSS Processing by Tech Center Complete		0
12	11-27-2008	Application Dispatched from OIPE		0
11	11-05-2008	371 Completion Date		0
10	11-14-2008	Sent to Classification Contractor		0
9	11-14-2008	Filing Receipt		0
8	11-14-2008	Notice of DO/EO Acceptance Mailed		0
7	11-05-2008	Additional Application Filing Fees		0
6	11-05-	A statement by one or more inventors satisfying the		0

	2008	requirement under 35 USC 115, Oath of the Applic	
0.5	01-18- 2005	International Filing date	0

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